

TALCOTT FRANKLIN P.C.

ARLINGTON, TX

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January 8, 2016

Hon. Charles R. Breyer
United States District Court
For The Northern District of California
San Francisco Courthouse
Courtroom 6 - 17th Floor
450 Golden Gate Avenue,
San Francisco, CA 94102

Re: *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672

Per the criteria set forth in this Court's Pretrial Order No. 2 (Doc. 336), I respectfully request that this Court consider my application to become a member of the Plaintiffs' Steering Committee in the above-referenced Multi-District Litigation.

(1) I have substantial litigation experience, as plaintiffs' counsel and defense counsel, in complex commercial and financial services litigation, insurance coverage litigation and consumer class actions. Examples include:

- a. Lead counsel in action against servicers of residential mortgage-backed securities (RMBS) trust on behalf of institutional investor and the trust, asserting claims arising out of illegal servicing practices. *GSAA Home Equity Trust 2006-2 v. Wells Fargo Bank, N.A., et al.*, No. 14-cv-04166-RAL (D.S.D.).

The Honorable Roberto Lange, United States District Court Judge
United States Post Office & Courthouse
225 South Pierre Street
Pierre, SD 57501
(605) 945-4610

- b. Lead appellate briefing attorney for objectors/appellants to class action settlement of claims against Bank of America, as successor to Countrywide Financial Corporation, relating to the mortgage crisis. *Maine State Retirement System and Countrywide Financial Corp. v. First National Bank & Trust of Rochelle, et al.*, No. 14-55093, (9th Cir.)
- c. Trial team member for a putative class of African American business borrowers, alleging violation of the Equal Credit Opportunity Act against a Michigan bank. *Tillman Industrial Properties, et. al. v. Mercantile Bank et. al.*, No. 13-08428-CZB (Mich. 17th Cir. Court). Although class certification was denied, our team is now prosecuting 11 separate cases in both state and federal court that spring from the same allegations.

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- d. Lead counsel for national insurance company in defense of extra-contractual (bad faith) coverage litigation. *Kilbreath v. Allied Prop. & Cas. Co.*, No. 13-cv-00044-WYD (D.Colo.)

The Honorable Wiley Y. Daniel, United States District Court Judge; Alfred A. Arraj
United States Courthouse A1038, 901 19th Street, Denver, Colorado 80294
(303) 844-2170

- e. Trial counsel for national real estate brokerage and individual realtors in defense of various claims associated with the purchase and sale of residential real estate.

Balkman-Riordan Partners, L.P. v. NRT Texas, L.L.C., et al., No. 429-02940-2008
(District Court for Collin County, TX)

The Honorable Jill Willis, 429th District Court Judge; Collin County Courthouse, 2100 Bloomdale Road, Suite 10014, McKinney, Texas 75071 (972) 547-5720

Olmstead, et al. v. NRT Texas, L.L.C., et al., No. DC-10-01144 (District Court for Dallas County, TX)

The Honorable Emily Tobolowsky, 298th District Court Judge, George L. Allen, Sr. Courts Building, 600 Commerce Street, 8th Floor New Tower, Dallas, Texas 75202 (214) 653-6781

- (2) The names and contact information for the judges before whom I have appeared are listed with the matters set forth in (1) above.
- (3) I am willing and able to work immediately on this important litigation. I can delegate my existing caseload to my firm colleagues as necessary to ensure my dedication to the time commitment and effort required of me.
- (4) I foresee no issues with working cooperatively with all counsel. I often work closely with lawyers from other law firms toward achieving successful results for our shared or similarly situated clients, and carry the professionalism, cooperation and courtesies necessary to work effectively on those matters and this litigation. Further, I only represent one set of putative class representatives in this litigation,¹ and neither my firm nor I will allow our clients' or our firm's compensation to interfere with the cooperation required to assist.
- (5) I have access to the requisite resources to assist all plaintiffs in prosecuting their claims in a timely manner, especially regarding the review, production and handling of ESI. My firm

¹ *Bookwalter, et al. v. Volkswagen Group of Am., Inc., et al.*, No. 15-14250 (E.D. Mich.).

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has a working relationship with Elijah Ltd., a national e-discovery vendor that is a Best-in-Service Relativity partner with substantial experience providing services to plaintiffs in large scale MDL matters. I have confirmed this application with Elijah and can coordinate and manage an e-discovery platform through which plaintiffs and counsel can perform all e-discovery tasks necessary for the timely litigation of this matter.

- (6) Although I am an experienced trial attorney and willing to serve in whatever capacity will assist the Court and counsel in this litigation, my best use will likely be as a member of a steering committee.
- (7) The clients on whose behalf I have already filed a lawsuit are vehicle owners. However, I am willing to serve in any capacity that would assist the Court.
- (8) My experience with complex commercial litigation and the ease with which I work cooperatively with others toward a successful result qualifies me for a steering committee appointment and will assist the Court, parties and counsel in this litigation. I have represented The Knights of Columbus, Nationwide Insurance Company and its affiliated entities, Estee Lauder, Inc., Maxim Healthcare, Coldwell Banker and its affiliated entities, Deutsche Bank National Trust Company and many other large, sophisticated clients. I have significant experience in insurance coverage litigation, RMBS litigation, securities fraud, civil RICO, unfair trade practices litigation, consumer fraud litigation, and white collar criminal investigations.

The first 13 years of my career was spent with Patton Boggs LLP, where I litigated disputes for Fortune 500 corporations and participated in large-scale pro bono efforts, to include participating in the Black Farmers class action and appeals process. I am now a member of Talcott Franklin P.C., where I dedicate the majority of my practice to prosecuting claims on behalf of RMBS investors and corporate policyholders.

Other counsel who have filed cases in this MDL and support my appointment are listed in the attached Exhibit A.

Date: January 8, 2016

Respectfully Submitted,



Shannon W. Conway
Talcott Franklin P.C.